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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,980	03/07/2002	Myung-shin Park	MUTU 2434	4765

7812 7590 09/15/2003

SMITH-HILL AND BEDELL
12670 N W BARNES ROAD
SUITE 104
PORTLAND, OR 97229

EXAMINER

TRAN, KHOA H

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 09/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/070,980

Applicant(s)

PARK, MYUNG-SHIN

Examiner

Khoan Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 March 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

Drawings

The drawings are objected to because Figures 1 and 2 are not labeled as prior art as indicated on page 2, second paragraph. Further, the solid cross-hatching, e.g., see element 401 in Figure 14, is improper. Correction is required.

Specification

The specification is objected to because numerous reference numerals are doublely recited, i.e., "gaskets 45, 45, 45, and 45" or "grooves 33 and 33" or "surface members 32, 32, and 32". Appropriate correction is required.

Claim Objections

Claims 1-3 are objected to because of the extraneous reference numerals, i.e., "(45, 45, 45, 45)" or "(102, 102, 102, 202, 202, 202)" or "(4a, 7a, 9a, 30a)", should be deleted. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With respect to claim 1, the use of parenthetical recitations such as "(or door frame)" is improper. Further, it is not clear whether the

combination or subcombination is being claimed. In particular, are rail filling devices elements of the claims or not? Note that lines 4-5 set them forth inferentially while lines 6-9 positively include them.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guddas in view of Sheaf. Guddas discloses a sliding window frame or a door frame assembly comprising a window or a door leaf (21) that slidable between an upper frame member (15) and a lower frame member (14). The upper frame member is uneven from the lower frame member. The lower frame member comprises a roller (26), a mounting gaskets (56) formed between a roller groove, see Figures 6 and 7, a base member (57) having a plurality of rail filling device supporting grooves (48), a rail filling devices (72, 59) include a rail filling device base member (59) with grooves (61) that correspond to the rail filling device supporting grooves (48) and a rail filling member (75), a driving height control rollers (62) provide with projections (58) that correspond to the rail filling devices and the roller groove. Guddas does not teach an elastic member. However, Sheaf teaches an elastic member (22). See Figures 2 and 4. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to

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provide the filling device supporting grooves of Guddas with an elastic member as taught by Sheaf in order to serve as a bearing to the slidable door leaf and permit the member to be removed and replaced when it is worn out. With respect to the upper frame member being similar to the lower frame member, it would have been obvious to one of ordinary skill in the art to made the upper frame member to be similar to the lower frame member in order to reduce manufacturing cost since the upper and lower frame members can be interchangeable and there in no requirement of other manufacturing processes. Further, it has been held that the mere duplication of the essential working parts of a device involves only routine skill in the art.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. George , Hudak, Melcher, Strassel et al., MacGillis, Mancuso, Takeda, Giguere, Tak, Van Weelden, Voegele, Jr., Richardson et al., are cited to show devices having similar configurations of design.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khoa Tran whose telephone number is (703) 306-3437. The examiner can normally be reached on Monday through Thursday from 9:30 A.M. to 7:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola, can be reached on (703) 308-2686. The fax phone number for this Group before a final Office action is (703) 872-9326 and after a final Office action is (703) 872-9327.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168.

Khoa Tran

September 2, 2003

A handwritten signature in black ink that reads "Daniel P. Stodola". The signature is written in a cursive style with a large, looped initial "D".

DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600